

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the amendment)
of ARM 10.55.701, 10.55.801 and)
10.55.1003 relating to accreditation)
standards)

NOTICE OF AMENDMENT

TO: All Concerned Persons

1. On December 22, 2005, the Board of Public Education published MAR Notice No. 10-55-237 regarding the public hearing on the proposed amendment of the above-stated rules concerning accreditation standards at page 2488 of the 2005 Montana Administrative Register, Issue Number 24.

2. The Board of Public Education has amended ARM 10.55.1003 exactly as proposed.

3. After consideration of the comments received, the Board of Public Education has amended ARM 10.55.701 and 10.55.801 with the following changes, stricken matter interlined, new matter underlined:

10.55.701 BOARD OF TRUSTEES (1) through (3)(f) remain as proposed.
(g) a policy that is designed to ~~prevent~~ address bullying, intimidation, and harassment of students and school personnel;
(h) through (8) remain as proposed.

10.55.801 SCHOOL CLIMATE (1) through (1)(c) remain as proposed.
(d) develop policies, procedures, and rules that respect the rights of all learners, and promote an awareness of and concern for the well-being of others, ~~and prevent~~ address bullying, intimidation, and harassment of students and school personnel;
(e) through (j) remain as proposed.

4. The Board of Public Education has thoroughly considered the comments and testimony received on the proposed amendments. The following is a summary of the comments received and the board's responses.

COMMENT 1: Deborah Schuaf, staff attorney for the American Civil Liberties Union, emphasized the need for schools to provide not only a basic right to an education but to also create a safe environment, which ultimately will protect schools from lawsuits.

RESPONSE 1: The board thanks this witness for her input and agrees with her testimony.

COMMENT 2: Debra Silk, attorney for the Montana School Boards

Association, supported the adoption of the amendments but requested that the language in ARM 10.55.701 be amended to strike the word “prevent” and insert the word “address” under (3)(g).

RESPONSE 2: The board appreciates the comment and agrees with the amendment.

COMMENT 3: Darrell Rud, executive director of the School Administrators of Montana, spoke in support of the amendments.

RESPONSE 3: The board appreciates and accepts this comment.

COMMENT 4: Two speakers, representing themselves, addressed the proposed amendments from the perspective that adoption of a bullying/harassment policy was not needed in the state school system. They also expressed concern about the rule opening the door to create a protected class related to sexual orientation and gender identity.

RESPONSE 4: The board appreciates the comments but disagrees with the contention that policies should not be required in all school districts. The issue of sexual orientation and gender identity is not specifically included nor addressed by the amendments.

COMMENT 5: Charlene Howard, a representative from the Montana Eagle Forum, felt that a policy is not needed and that it would serve to manipulate the thoughts and feelings of our students.

RESPONSE 5: The board appreciates her input but disagrees with her conclusions.

COMMENT 6: Harris Himes, representative of the Montana Family Coalition, contends that this issue was addressed by the Legislature and turned down and that felt that these amendments are an effort to circumvent opinions and positions of the Montana Legislature.

RESPONSE 6: The board thanks him for his input but disagrees with his conclusions.

COMMENT 7: Written comments received in support of the amendments included letters from: Eric Feaver, president of MEA-MFT; Hugh Zachhiem, concerned citizen; Beth Brenneman, of the Montana Advocacy Program; and Christine Kaufman, representing the Montana Human Rights Network. The general nature and tone of the comments supported the need for a requirement in the accreditation standards that all school districts have in place a policy addressing bullying, harassment, and intimidation.

RESPONSE 7: The board appreciates the input and generally accepts and

agrees with the comments.

COMMENT 8: Written comments in opposition to the amendments were received from Representative Roger Koopman, Shirley Rasmusson, and Lorna Stremcha. The main message in all of these comments was that the requirement for schools to adopt a bullying, harassment, and intimidation policy was not necessary.

RESPONSE 8: The board appreciates the comments of each, but disagrees with their conclusions.

5. Pursuant to the agreement between the Board of Public Education and the Montana Legislature, the board states that it does not anticipate any implementation costs in connection with these amendments.

/s/ Dr. Kirk Miller
Dr. Kirk Miller, Chair
Board of Public Education

/s/ Steve Meloy
Steve Meloy, Executive Secretary
Board of Public Education
Rule Reviewer

Certified to the Secretary of State March 13, 2006.